

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence was faxed to (703) 308-6916, the Office of Petitions of the United States Post Office and was directed to: Commissioner for Patents, Box DAC, Washington, D.C. 20231, on

Date:

1/6/03

Name:

JOSUHLING

Signature:

Zimmerman & Levi, LLP

#10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sash

Serial No.	:	09/864,599	Group Art Unit:	n/a
Filed	:	May 24, 2001	Examiner:	n/a
Title	:	INFORMATION DELIVERY SYSTEM		

Commissioner of Patents
BOX DAC
Washington, DC 20231

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JAN 06 2003

**PETITION TO REVIVE UNINTENTIONALLY
ABANDONED APPLICATION UNDER 37 C.F.R. §1.137(b)**

PETITIONS OFFICE

Sir:

It is respectfully requested that Application Serial No. 09/864,599 filed May 24, 2001, be revived from being abandoned unintentionally. Applicant received a Notice to File Corrected Application Papers mailed July 24, 2001 (hereinafter "the Notice"). On September 12, 2001, Applicant filed a Response that included corrected formal drawings, a check in the amount of \$130.00, a self addressed stamp envelope, a copy of the Notice, a cover letter listing the contents of the Response and a Certificate of Mailing (copy enclosed). Applicant received a Notice of Abandonment dated July 5, 2002 that indicated that the application was abandoned for failure to respond to the Notice (copy enclosed). Applicant filed a Petition to Reconsider Holding of Abandonment on September 26, 2002 on the grounds that Applicant timely responded to the Notice (copy enclosed). The Applicant received a Decision Dismissing Petition dated November 14, 2002 (copy enclosed) in which Applicant's Petition was denied on the grounds that in Applicant's Response to the Notice the Certificate of Mailing was not on the same page as the cover letter. In its Decision, the Patent Office encouraged Applicant to file a Petition to Revive under 37 CFR 1.137(b).


Applicant respectfully states that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Enclosed is a form PTO-2038 authorizing a credit card charge in the amount of \$640.00 to cover the Petition fee as set forth in 37 C.F.R. §1.17(m). A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: _____

1/6/03



Joseph Levi
Reg. No. 41,152

MAILING ADDRESS:

Zimmerman & Levi, LLP
226 West St. Paul Street
Westfield, NJ 07090

PTO-2038 (02-2000)

Approved for use through 01/31/2003. OMB 0651-0043

United States Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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Request and Payment Information

Description of Request and Payment Information: FOR PATTION TO ABUSE

Patent Fee	Patent Maintenance Fee	Trademark Fee	Other Fee
Application No. 09/864,599	Application No.	Serial No.	IDON Customer No.
Patent No.	Patent No.	Registration No.	
Attorney Docket No.		Identify or Describe Mark	

If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form, the United States Patent & Trademark Office will not be liable in the event that the credit card number becomes public knowledge.

ZIMMERMAN & LEVI, L.L.P.

INTELLECTUAL PROPERTY ATTORNEYS
226 ST. PAUL STREET
WESTFIELD, NEW JERSEY 07090

TEL: (908) 654-8000

FAX: (908) 654-7207

E-MAIL: iplaw@home.com

September 12, 2001

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/864,599
for Information Delivery System

Dear Sir:

Enclosed please find the following items:

1. a Notice To File Missing Parts for the above-identified application;
2. formal corrected patent drawings;
3. a check in the amount of \$130.00 to cover the requisite fee; and
4. a stamped, self-addressed postcard.

Kindly stamp and return the postcard to the undersigned upon receipt in the Patent and Trademark Office of the foregoing items.

Respectfully submitted,



Jean-Marc Zimmerman
Registration No. 36,978

JMZ/id
enclosures
cc: Mr. Yaakov Sash

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JAN 06 2003

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CERTIFICATE OF MAILING

I hereby certify that on September 12, 2001, I caused A Notice To File Missing Parts for U.S. Patent Application Serial No. 09/864, 599 to be mailed by first class mail to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Jean-Marc Zimmerman
Jean-Marc Zimmerman

2/4

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FIG. 2

3/4

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27a
27b
27c

FIG. 3

4/4

RED HERRING

FedEx and UPS to wrangle online
By James Christie
redherring.com, June 16, 2000

Federal Express (NYSE: FDX) absolutely, positively wants to work with electronic-commerce companies. This summer, it's rolling out services to help them manage inventory and deliver packages.

Here's the challenge: United Parcel Service (NYSE: UPS) hopes to offer similar services. It's the battle for the back end.

FedEx will launch its online service package late this summer, targeting small to mid-size companies, which the delivery giant defines as firms with revenues of \$100,000 a year up to \$15 million a year.

The Memphis-based company plans to offer services for retailers to set up Web stores, with Chicago's Orbit Commerce providing its Web-based platform. By offering such services, FedEx hopes to generate more demand for its package delivery business, according to the company.

FedEx's initiative, unveiled June 12, hopes to capture a market now dominated by UPS, which has been offering corporate logistic services for years. For example, UPS handles logistics for Nike.com (NYSE: NKE).

UPS also currently is developing a set of services targeting small to medium-size companies. "UPS's bread and butter has been small to medium-size customers," says Peter Coleman, a senior analyst with Bank of America Securities (NYSE: BAC). "Everyone knows they're the holy grail."

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FIG. 4



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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/864,599	05/24/2001	2176	598		4	47	2

CONFIRMATION NO. 3654

FILING RECEIPT



OC00000006335169

Joseph E. Levi
Zimmerman & Levi
226 St. Paul St.
Westfield, NJ 07090

Date Mailed: 07/24/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Yaakov Sash, Brooklyn, NY;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 07/24/2001

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Information delivery system

Preliminary Class

707

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PETITIONS OFFICE

Page 3 of 3

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231



UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/864,599	05/24/2001	Yaakov Sush	

Joseph E. Levi
Zimmerman & Levi
226 St. Paul St.
Westfield, NJ 07080

CONFIRMATION NO. 3654

FORMALITIES LETTER

OC00000006335170

Date Mailed: 07/24/2001

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:

- drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

The following item(s) appear to have been omitted from the application:

- Figure(s) 5,6,7,8,9 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date must be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing

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date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
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Paper No. 6

Joseph E. Levi
Zimmerman & Levi
226 St. Paul St.
Westfield NJ 07090

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JUL 05 2002

OFFICE OF PETITIONS
DECISION DISMISSING PETITION
&
NOTICE OF ABANDONMENTIn re Application of
Sash
Application No. 09/864,599
Filed: May 24, 2001
Attorney Docket No. N/A
For: INFORMATION DELIVERY
SYSTEM

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A petition entitled, "PETITION TO ENTER DRAWINGS", was filed January 30, 2002 and supplemented on June 20, 2002. The petition requests, in effect, partial withdrawal of the Notice to File Corrected Application Papers, mailed July 24, 2001, because petitioner alleges that missing Figures 5-9 were included in the original filing. PETITIONS OFFICE

The petition is **dismissed** and will not be treated because the application is currently abandoned.

The Notice to File Correct Application Papers, mailed July 24, 2001, in addition to informing petitioner of omitted items, required petitioner to file substitute drawings in compliance with 37 CFR 1.84 by September 24, 2001. This period was extendable under 37 CFR 1.136(a). The Office has no record of receiving substitute drawings for Figures 1-4. Accordingly, the above-identified application became abandoned on September 25, 2001.

If petitioner possesses a date stamped postcard receipt from the Office or other evidence that petitioner mailed substitute drawings in compliance with 37 CFR 1.8 or 37 CFR 1.10 on or before September 24, 2001, petitioner should submit the evidence with a petition to withdraw the holding of abandonment.

Petitioner may file a petition to revive under 37 CFR 1.137(a) or 37 CFR 1.137(b) if petition cannot provide persuasive evidence of receipt in the Office or mailing of the drawings on or before September 24, 2001.

Whichever option petitioner selects, a copy of substitute drawings figures 1-4 must be included.

The petition to enter drawings will not be addressed until the application is in active status.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Office of Petitions

ZIMMERMAN & LEVI, L.L.P.

INTELLECTUAL PROPERTY ATTORNEYS
226 ST. PAUL STREET
WESTFIELD, NEW JERSEY 07090

TEL: (908) 654-8000
FAX: (908) 654-7207

WRITER'S E-MAIL
jean-marc@zimmermanlevi.com

September 26, 2002

VIA EXPRESS MAIL

Commissioner of Patents
Box DAC
Washington, D.C. 20231

FAX RECEIVED

Re: U.S. Patent Application Serial No. 09/864,599 for
Information Delivery System

JAN 06 2003

PETITIONS OFFICE

Dear Sir:

Enclosed for filing in connection with the above-identified application
please find the following items:

1. a Petition to Reconsider Holding of Abandonment; and
2. a stamped, self-addressed postcard.

Kindly stamp and return the postcard to the undersigned upon receipt in
the Patent's Office of the foregoing items.

Respectfully submitted,

Jean-Marc Zimmerman

Jean-Marc Zimmerman

JMZ/hz
enclosure

Certificate of Express Mailing
Express Mail Label No. EU587783086US
Date of Deposit: September 26, 2002

I hereby certify that the enclosed U.S. Trademark Application for INFORMATION DELIVERY SYSTEM is being sent Express Mail Post Office Service under 37 C.F.R. Section 1.10 on the date indicated above and are addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Jean-Marc Zimmerman
Jean-Marc Zimmerman

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U.S. Patent Application Serial No. 9/26/02
09/864,599 for Information Delivery System

The stamp of the Patent Office mailroom hereon
indicates receipt therein of the following items:

1. a Petition to Reconsider Holding of
Abandonment; and
2. a stamped, self-addressed postcard.

Sash



Jean-Marc Zimmerman

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PETITIONS OFFICE



Jean-Marc Zimmerman, Esq.
Zimmerman & Levi, LLP
226 St. Paul Street
Westfield, NJ 07090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application: Sash

Group Art Unit:

Serial No. 09/864,599

Examiner:

Filed: May 24, 2001

Date: September 26, 2002

For: Information Delivery System:

Commissioner for Patents

Box DAC

Washington, D.C. 20231

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JAN 06 2003

PETITION TO RECONSIDER HOLDING OF ABANDONMENT

PETITIONS OFFICE

Jean Marc Zimmerman declares as follows:

1. I am an attorney at law licensed to practice before the U.S. Patent and Trademark Office ("PTO"). My registration number is 36,978.
2. I filed the above-identified Patent Application in the Patent and Trademark Office on May 24, 2001. The filed Application included nine (9) drawings.
3. In July 2001, I received a Notice to File Missing Parts dated July 24, 2002 that required Applicant to file corrected drawings for Figs. 1-4 and file Figs. 5-9 which were the purportedly missing from the filed application.
4. On September 12, 2001, the Applicant filed a Response to the Notice to File Missing Parts that included formal drawings for Figs. 1-4. A copy of this Response which included a Certificate of Mailing is attached hereto as Exhibit 1.
5. On January 24, 2002, the undersigned contacted the PTO and spoke with Ms. Elisha Evans to inquire about the Applicant's Response to the Notice to File Missing Parts and to also inquire why Applicant had not yet received from the PTO the return postcard if sent with its September 12, 2001 Response. Ms. Evans did not advise me that the Response had not been received by the PTO.
6. On January 30, 2001, in response to communications between my partner Joe Levi and Ms. Pam Kim of the PTO, Applicant filed a Petition to Enter Drawings 5-9. Ms. Kim did not advise Mr. Levi that a Response had not been

timely filed to the Notice to File Missing Parts or that the subject application had gone abandoned.

7. On June 6, 2001, Ms. Shirene Willis called from the PTO to advise me that a \$130.00 Petition Fee had to be paid to have the Applicant's January 30, 2002 Petition entered. Significantly, Ms. Willis did not advise me that a Response had not been timely filed to the Notice to File Missing Parts or that the subject application had consequently gone abandoned. In fact, it defies common sense that the PTO would contact the Applicant to request payment of a fee to enter a Petition for an Application that has gone abandoned.

8. On June 13, 2002, the Applicant paid the requisite Petition Fee as requested.

9. In July 2002, the Applicant received a Notice of Abandonment dated July 5, 2002, that the subject application had gone abandoned because Applicant did not timely file a Response to the Notice to File Missing Parts.

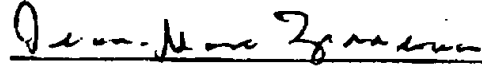
10. In response to the Notice of Abandonment, the undersigned searched its files for pending patent applications (for the subject application as well as for all of its other patent applications) to find a return postcard for the Response it filed on September 12, 2001. Applicant did not find such postcard.

11. Notwithstanding that a stamped return postcard was not found, the Applicant's actions evidence that it timely filed a Response to the Notice to File Missing Parts. Specifically, 1) Applicant had formal drawings prepared in response to the Notice to File Missing Parts; 2) the Applicant submitted a response which included a Certificate of Mailing in which the undersigned, an attorney at law and member of the patent bar in good standing, certified that the document was sent; 3) the Applicant called the PTO on January 24, 2001, to inquire about its Response; and 4) the Applicant filed its Petition to Enter Drawings on January 30, 2002 and subsequently paid the requisite Petition Fee after communications with different PTO employees who never advised the Applicant that the Response to the Notice to File Missing Parts had not been received or that the subject application had gone abandoned.

12. Accordingly, the Notice of Abandonment should be withdrawn.

13. All statements made herein of my own knowledge are true; and all statements made on information and belief are believed to be true; and that further these statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. Section 1001, and may jeopardize the

validity of the application or document or any registration issuing therefrom.



Jean-Marc Zimmerman, Esq.

Reg. No. 36,978

226 St. Paul Street

Westfield, New Jersey 07090

(908) 654-8000

Dated: September 26, 2002

Westfield, New Jersey